

AN ORDINANCE BY COUNCILMEMBERS MARY NORWOOD, YOLANDA ADREAN, HOWARD SHOOK, CARLA SMITH, NATALYN ARCHIBONG, KEISHA LANCE BOTTOMS, MICHAEL BOND, IVORY L. YOUNG, JR. AND ANDRE DICKENS AS SUBSTITUTED BY CITY UTILITIES COMMITTEE REPEALING AND DELETING PART 2, CHAPTER 138, ARTICLE 1, SECTION 138-14(D) TITLED “MAINTENANCE OF SIDEWALK AREA”; TO AMEND PART 2, CHAPTER 138, ARTICLE 4, SECTION 138-103 TITLED “INSPECTION AND REPAIR OF SIDEWALKS”; AND FOR OTHER PURPOSES.(SUBSTITUTED AND HELD 7/15/14 FOR A WORK SESSION)

Workflow List:

Atlanta City Council	Completed	07/16/2014 1:27 PM
City Utilities Committee	Completed	07/17/2014 11:36 AM
Atlanta City Council	Completed	07/24/2014 12:27 PM
City Utilities Committee	Pending	

HISTORY:

07/07/14	Atlanta City Council	REFERRED WITHOUT OBJECTION
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 7/15/2014 9:30 AM
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07/15/14	City Utilities Committee	HELD IN COMMITTEE
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RESULT:	HELD IN COMMITTEE	Next: 7/21/2014 1:00 PM
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07/21/14	Atlanta City Council	REFERRED AS HELD
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RESULT:	REFERRED AS HELD	Next: 7/29/2014 9:30 AM
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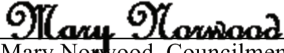
RESULT:	REFERRED AS HELD	Next: 7/29/2014 9:30 AM
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Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action</p> <p style="text-align: center;"><i>See Authentication Page Attachment</i></p>	

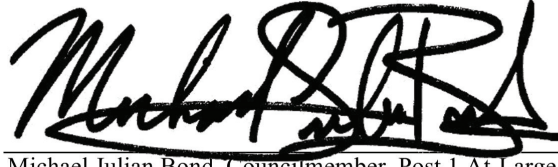
CITY COUNCIL
ATLANTA, GEORGIA

14-O-1361

SPONSOR SIGNATURES



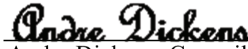
Mary Norwood, Councilmember, Post 2 At-Large



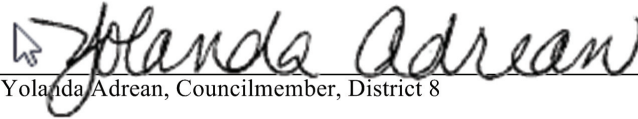
Michael Julian Bond, Councilmember, Post 1 At-Large



Natalyn Mosby Archibong, Councilmember, District 5



Andre Dickens, Councilmember Post 3 At-Large



Yolanda Adrean, Councilmember, District 8



Howard Shook, Councilmember, District 7



Ivory Lee Young Jr., Councilmember, District 3



Keisha Lance Bottoms, Councilmember, District 11



Carla Smith, Councilmember, District 4

AN ORDINANCE BY COUNCILMEMBERS MARY NORWOOD, YOLANDA ADREAN, HOWARD SHOOK, CARLA SMITH, NATALYN ARCHIBONG, KEISHA LANCE BOTTOMS, MICHAEL BOND, IVORY L. YOUNG, JR. AND ANDRE DICKENS AS SUBSTITUTED BY CITY UTILITIES COMMITTEE REPEALING AND DELETING PART 2, CHAPTER 138, ARTICLE 1, SECTION 138-14(D) TITLED “MAINTENANCE OF SIDEWALK AREA”; TO AMEND PART 2, CHAPTER 138, ARTICLE 4, SECTION 138-103 TITLED “INSPECTION AND REPAIR OF SIDEWALKS”; AND FOR OTHER PURPOSES.(SUBSTITUTED AND HELD 7/15/14 FOR A WORK SESSION)

WHEREAS, the City’s sidewalks are public assets that provide benefits to the entire community, not just property owners or abutting property owners near sidewalks; and

WHEREAS, the maintenance and installation of sidewalk infrastructure throughout the City of Atlanta is a basic function of a local government in Georgia; and

WHEREAS, Sections 138-103 and 138-14(D) require that private property owners maintain sidewalks that are on their property; and

WHEREAS, sidewalks can improve pedestrian safety, encourage walkability, and enhance the quality of life in our neighborhoods; and

WHEREAS, the City of Atlanta does not have a sufficient system for prioritizing repairs, a sustainable funding source dedicated to sidewalk repair, or an effective approach to tackle the problems of repairs and replacements; and

WHEREAS, the current practice of relying on property liens as a major source of funding is unsustainable and does not address the immediate needs of our crumbling sidewalk infrastructure; and

WHEREAS, many neighborhoods and residents are unaware of the responsibility of maintaining the sidewalks or do not have the financial resources to do so.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows;

SECTION 1:Sec. 138-14 of the “Maintainenance of sidewalk area” currently reads:

(a)

Removal of snow and ice from sidewalks. When there is an accumulation of ice, naturally or by artificial means, or snow sufficient to cover the sidewalks, the occupants or owners of the houses and other establishments fronting the sidewalks shall have the ice or snow cleared from the sidewalks in front of their establishments when an accumulation occurs, within a reasonable time after such accumulation.

(b)

Maintenance of unpaved portion of sidewalk space. Whenever a sidewalk is paved and not all of the sidewalk space is covered by the pavement, but a space is left between the sidewalk and the curbs or between the sidewalk and property line or both or where there exist planted materials in the ground or in planters within such unpaved portion, the owner of the abutting property shall be responsible for maintenance of that space and for keeping it free of holes and weeds, level with the sidewalk and sodded with grass and for watering, pruning and maintaining the planted materials, whether such materials are planted in the ground or in planters placed in or alongside the sidewalk area. Upon the failure of that person to do so, the commissioner of public works may give written notice to the person to do so within ten days, and upon the failure of that person to comply, the person shall be cited to appear for a hearing to show cause for noncompliance, after which the commissioner shall have the property put in a condition complying with this section and shall notify the chief financial officer of the costs thereof. Execution shall issue against the owner of the property for the full amount of costs, which execution shall be collected by the chief financial officer as are all other executions issued by the city.

(c)

Paving of grass plots upon repaving sidewalks. Whenever a sidewalk is repaved on a street which has a grass or dirt plot between the curb and the pavement, the commissioner of public works shall be authorized to extend the repavement to the curblin. If the extension to the curblin is repaved, the grass or dirt plot so paved shall be paved with the same material as the new pavement.

(d)

Damaged sidewalk abutting the right-of-way. When the sidewalk abutting the right-of-way is damaged, it is the obligation of the abutting property owner to repair such sidewalk upon notice from the department of public works. If after receiving such notice, the abutting property owner fails to repair the sidewalk within a reasonable time, the department of public works is authorized to make such repairs and assess the abutting property owner for costs incurred.

SECTION 2: Sec. 138-14 of the “Maintenance of sidewalk area” shall now read:

(a)

Removal of snow and ice from sidewalks. When there is an accumulation of ice, naturally or by artificial means, or snow sufficient to cover the sidewalks, the occupants or owners of the houses and other establishments fronting the sidewalks shall have the ice or snow cleared from the sidewalks in front of their establishments when an accumulation occurs, within a reasonable time after such accumulation.

(b)

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with grass and for watering, pruning and maintaining the planted materials, whether such materials are planted in the ground or in planters placed in or alongside the sidewalk area. Upon the failure of that person to do so, the commissioner of public works may give written notice to the person to do so within ten days, and upon the failure of that person to comply, the person shall be cited to appear for a hearing to show cause for noncompliance, after which the commissioner shall have the property put in a condition complying with this section and shall notify the chief financial officer of the costs thereof. Execution shall issue against the owner of the property for the full amount of costs, which execution shall be collected by the chief financial officer as are all other executions issued by the city.

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SECTION 3:Sec. 138-103 of the “Inspection and repair of sidewalks” currently reads:

“The commissioner of public works is authorized to inspect the sidewalks along public right-of-way, to see that the sidewalks thereon are in a safe and suitable condition for public use and travel, to condemn promptly pavements on such sidewalks that are unsafe or unsuitable for public travel, and to cause repairs to be made in accordance with city law and to charge the cost of the repair to the abutting property owner.”

SECTION 4:Sec. 138-103 of the “Inspection and repair of sidewalks” should read:

Carla Smith
Madeline Hunt
Shirley Green
Robert Hutchins
**AN ORDINANCE BY
 COUNCILMEMBER MARY NORWOOD**

Mary Norwood
**AN ORDINANCE REPEALING AND DELETING PART 2,
 CHAPTER 138, ARTICLE 1, SECTION 138-14(B) AND PART 2,
 CHAPTER 138, ARTICLE 1, SECTION 138-14(D) TITLED
 "MAINTENANCE OF SIDEWALK AREA"; AND FOR OTHER
 PURPOSES;**

WHEREAS, The City's sidewalks are public assets that provide benefits to the entire community, not just property owners or abutting property owners near sidewalks; and

WHEREAS, the maintenance and installation of sidewalk infrastructure throughout the City of Atlanta is a basic function of a local government in Georgia; and

WHEREAS, section 138-14(B) and 138-14(D) require that private property owners maintain sidewalks that are on their property; and

WHEREAS, sidewalks can improve pedestrian safety, encourage walkability, and enhance the quality of life in our neighborhoods; and

WHEREAS, the City of Atlanta does not have a sufficient system for prioritizing repairs, a sustainable funding source dedicated to sidewalk repair, or an effective approach to tackle the problems of repairs and replacements; and

WHEREAS, the current practice of relying on property liens as a major source of funding is unsustainable and does not address the immediate needs of our crumbling sidewalk infrastructure; and

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Paving of grass plots upon repaving sidewalks. Whenever a sidewalk is repaved on a street which has a grass or dirt plot between the curb and the pavement, the commissioner of public works shall be authorized to extend the repavement to the curbline. If the extension to the curbline is repaved, the grass or dirt plot so paved shall be paved with the same material as the new pavement.

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SECTION 3: That all existing ordinances or parts of ordinances in conflict with this ordinance shall be waived to the extent of the conflict only.

<p>(Do Not Write Above This Line)</p> <p><i>Handwritten:</i> Mary Norwood</p> <p>AN ORDINANCE BY COUNCILMEMBER MARY NORWOOD AN ORDINANCE AND DELETING PART 2, CHAPTER 138, ARTICLE 1, SECTION 138-14(B) AND PART 2, CHAPTER 138, ARTICLE 1, SECTION 138-14(D) TITLED "MAINTENANCE OF SIDEWALK AREA"; AND FOR OTHER PURPOSES;</p>		<p>First Reading</p> <p>Committee _____ Date _____ Chair _____ Referred To _____</p>		<p>FINAL COUNCIL ACTION</p> <p><input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd</p> <p><input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote</p> <p>CERTIFIED</p>
<p><input type="checkbox"/> CONSENT REFER</p> <p><input type="checkbox"/> REGULAR REPORT REFER</p> <p><input type="checkbox"/> ADVERTISE & REFER</p> <p><input type="checkbox"/> 1st ADOPT 2nd READ & REFER</p> <p><input type="checkbox"/> PERSONAL PAPER REFER</p>		<p>Committee</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) Other _____</p> <p>Members _____</p>		
<p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p> <p>Date Referred _____</p> <p>Referred To: _____</p>		<p>Committee</p> <p>Date _____</p> <p>Chair _____</p> <p>Action Fav, Adv, Hold (see rev. side) Other _____</p> <p>Members _____</p>		<p>MAYOR'S ACTION</p>
<p>Refer To _____</p>		<p>Refer To _____</p>		